

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:
U.S. Patent No. 5,637,310

Randall K. JOHNSON

Reissue Serial No.: Unassigned

Filed: September 28, 2001

For: METHOD OF TREATING PROSTATIC
ADENOCARCINOMA



Group Art Unit: Unassigned

Examiner: Unassigned

BOX REISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

SECOND INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Patent Owner brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced reissue proceeding.

Patent Owner also calls the Examiner's attention to Interference No. 104,646 involving U.S. Patent No. 5,637,310 ("the '310 patent") which this application seeks to reissue. Interference No. 104,646 was declared on January 22, 2001, between SmithKline Beecham Corp., the assignee of the '310 patent and this application, and the party Rasmusson, whose assignee is Merck & Co., Inc. In the interference, the party Rasmusson filed a motion entitled "Rasmusson Preliminary Motion 1 (for judgment based on prior art)," alleging, *inter alia*, that claim 1 of the '310 patent is unpatentable over prior art.

**Reissue Application of
Patent No. 5,637,310
Atty Docket No. 14509-C2 RI**

Copies of some the listed documents are attached. Included is a copy of Rasmusson Preliminary Motion 1 filed in Interference No. 104,646, and the patents or publications cited therein that have not previously been submitted. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the reissue application and Patent Owner determines that the cited documents do not constitute "prior art" under United States law, Patent Owner reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Patent Owner further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Patent Owner's Deposit Account No. 19-2570.

Respectfully submitted,

Dated: October 22, 2001

By: Wayne J. Dustman
Wayne J. Dustman
Registration No. 33,870
Attorney for GlaxoSmithKline

GlaxoSmithKline
709 Swedeland Road
P.O. Box 1539
King of Prussia, PA 19406-0939
n:wjd/interferences/14509C2ids2

Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	ATTY. DOCKET NO. 14509-C2-RI	U.S. Serial No. Not Assigned
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use several sheets if necessary)</i>		APPLICANT Johnson	
		FILING DATE September 28, 2001	GROUP Unassigned

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
BF	9200010	1/1992	PCT				

OTHER PUBLICATIONS

BG	The Prostate; 9, pp 65-75 (1986)
BH	Rasmusson Motion 1 in Interference No. 104,646
EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	